

REMARKS

By this amendment, Applicants amend claims 1, 12, 25, 35-37, 39, 41, 44, and 45, and cancel claims 4, 15, and 28 without prejudice or disclaimer. Claims 1, 5-8, 10-12, 16-22, 25, 29, and 35-45 remain pending in this application.

In the Office Action¹, the Examiner:

rejected claims 1, 12, 20, 25, 35, and 39-44 under 35 U.S.C. § 112, second paragraph, as allegedly failing to comply with the written description requirement;

rejected claims 1, 12, and 25 under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite;

rejected claims 1, 4-12, 20, 25, 28, 29, and 35-44 under 35 U.S.C. § 101 as allegedly being drawn to non-statutory subject matter; and

rejected claims 1, 4-8, 10-12, 15-22, 25, 28, 29, and 35-45 under 35 U.S.C. § 103(a) as being unpatentable over Sankaran et al. (U.S. Patent No. 5,832,484) in view of Bangel et al. (U.S. Patent No. 6,901,401).

I. REJECTION OF CLAIMS 1, 12, 20, 25, 35, AND 39-44 UNDER § 112, ¶2

Applicants respectfully traverse the rejection of claims 1, 12, 20, 25, 35, and 39-44 under 35 U.S.C. § 112, second paragraph, as allegedly failing to comply with the written description requirement. In the Office Action, the Examiner contends the “identifier” recited in the claims is not defined in the specification. See Office Action at page 3. Although Applicants respectfully submit that the term “identifier” is supported by

¹ The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

the specification, in an effort to expedite prosecution, Applicants have amended the claims to replace “identifier” with “employee number.” Applicants note that the term “employee number” is discussed in Applicants’ specification at, for example, page 11, lines 4-12. Therefore, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claims 1, 12, 20, 25, 35, and 39-44 under 35 U.S.C. § 112, second paragraph, pertaining to the written description requirement.

II. REJECTION OF CLAIMS 1, 12, AND 25 UNDER § 112, ¶2

Applicants respectfully traverse the rejection of claims 1, 12, and 25 under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. Applicants note that the rejection in the present Office Action appears to be a duplicate of the rejection made in the last Office Action. Specifically, the rejection contends that the word “attempting” renders the claims indefinite because it is not clear whether the attempting is continuous. See Office Action at page 3. However, Applicants note that claims 1, 12, and 25 were amended in the last response to recite “making an attempt to set new the lock.” Making an attempt is not a continuous process and, accordingly, the claims are sufficiently clear and definite. Therefore, Applicants request that the Examiner withdraw the rejection of claims 1, 12, and 15 under 35 U.S.C. § 112, second paragraph, pertaining to the definiteness requirement.

III. REJECTION OF CLAIMS 1, 4-12, 20, 25, 28, 29, AND 35-44 UNDER § 101

Applicants respectfully traverse the rejection of claims 1, 4-12, 20, 25, 28, 29, and 35-44 under 35 U.S.C. § 101 as allegedly being drawn to non-statutory subject

matter and note that the rejection with respect to cancelled claims 4 and 28 is now moot. The Examiner alleges that the claims not produce “useful, concrete and tangible results.” See Office Action at pages 4 and 5. Although Applicants disagree, Applicants have amended independent claims 1, 12, 25, 35, 41, 44, and 45 to recite, in part, “informing the user that the user can access the set of database records when the user is authorized or informing the user that the user cannot access the set of database records when the user is not authorized.” Applicants submit that at least the claimed “informing” recited in the independent claims constitutes a useful, concrete, and tangible result. Claims 5-11, 20, 29, 36-40, and 42-43 depend from claims 1, 12, 25, 35, and 41 and, accordingly, produce a useful, concrete, and tangible result at least due to their dependence. Therefore, Applicant respectfully requests that the Examiner withdraw the rejection under 35 U.S.C. § 101.

IV. REJECTION OF CLAIMS UNDER § 103(a)

Applicants respectfully traverse the rejection of claims claims 1, 4-8, 10-12, 15-22, 25, 28, 29, and 35-45 under 35 U.S.C. § 103(a) as being unpatentable over Sankaran et al. in view of Bangel et al. and note that the rejection with respect to cancelled claims 4, 15, and 28 is now moot. A *prima facie* case of obviousness has not been established.

The key to supporting any rejection under 35 U.S.C. § 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious. See M.P.E.P. § 2142, 8th Ed., Rev. 6 (Sept. 2007). Such an analysis should be made explicit and cannot be premised upon mere conclusory statements. See id. “A

conclusion of obviousness requires that the reference(s) relied upon be enabling in that it put the public in possession of the claimed invention.” M.P.E.P. § 2145. Furthermore, “[t]he mere fact that references can be combined or modified does not render the resultant combination obvious unless the results would have been predictable to one of ordinary skill in the art” at the time the invention was made. M.P.E.P. § 2143.01(III), internal citation omitted. Moreover, “[i]n determining the differences between the prior art and the claims, the question under 35 U.S.C. § 103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious.” M.P.E.P. § 2141.02(I), internal citations omitted (emphasis in original).

“[T]he framework for the objective analysis for determining obviousness under 35 U.S.C. 103 is stated in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966). . . . The factual inquiries . . . [include determining the scope and content of the prior art and] . . . [a]scertaining the differences between the claimed invention and the prior art.” M.P.E.P. § 2141(II). “Office personnel must explain why the difference(s) between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art.” M.P.E.P. § 2141(III).

In the Office Action, the Examiner admits Sankaran et al. does not teach “checking authorization.” See page 6. However, the Examiner contends that Bangel et al. teaches “determining whether a user that submitted the new query is authorized to acquire a new lock on the set of database records, wherein the user is authorized if the user does not have a conflict of interest with respect to the set of database records” See Office Action at page 6. Applicants point out that independent claim 1 does not

include any such recitation. Rather, independent claim 1 was amended in the Amendment filed October 25, 2007, to delete reference to a "conflict of interest" in this claim. In view of the present Office Action, which failed to address the language of Applicants' claims as amended in the last response, Applicants respectfully draws the Examiner's attention to M.P.E.P. § 707.07 and 37 C.F.R. § 1.104(b), which mandate that an Examiner's Office Action be complete as to all matters and responsive to Applicants' position. As noted, the present Office Action refers to prior claim language that was not present in the October 25, 2007, Amendment and, therefore, the Office Action has not properly ascertained the differences between the prior art and the claimed invention. Applicants request that any subsequent Office Action be made non-final so that Applicants' may properly respond to any subsequent rejections.

Furthermore, Applicants submit that the applied references do not teach, suggest, or render obvious Applicants' claims. For example, independent claim 1 recites a method for authorizing access to a database including, among other steps, "determining whether an employee number associated with the set of database records matches an employee number of a user that submitted the new query."

Sankaran et al. discloses creating a "lock request" for a task. See col. 15, lines 31-32. After the "lock request" is created and queued, a Lock Manager determines whether to grant the request for the lock. See col. 15, lines 5-11 and 37-42. However, Sankaran et al. does not teach or suggest "determining whether an **employee number associated with the set of database records** matches an **employee number of a user** that submitted the new query," as recited in independent claim 1 (emphases added).

Bangel et al. does not compensate for the deficiencies of Sankaran et al. In the Bangel et al. system, a “determination is made as to whether the user name was found as a user authorized to have local access to the database.” See col. 4, lines 9-11. Thus, while Bangel et al. appears to involve checking whether a user name is authorized to access a database, Bangel et al. does not teach or suggest “determining whether an **employee number associated with the set of database records** matches an **employee number of a user** that submitted the new query,” as recited in independent claim 1 (emphases added).

In connection with prior claim language, the Examiner cites Figure 3 and col. 4, lines 46-49 of Bangel et al. Figure 3 of Bangel et al. includes a step 345 in which a “determination is made as to whether the individual’s user name was found as having special permission to access a local copy of the database.” See col. 4, lines 46-49. As explained above, Bangel et al. merely teaches checking whether an individual may access a database based on whether that user has permission. However, no determination is made as to whether a user is attempting to access their own records. That is, Bangel et al. does not teach or suggest “determining whether an **employee number associated with the set of database records** matches an **employee number of a user** that submitted the new query,” as recited in independent claim 1 (emphases added).

Moreover, since the cited references do not teach or suggest the claimed “determining” step, the cited references also do not teach or suggest “determining whether the user is authorized to acquire a new lock on the set of database records, wherein the user is authorized if the **employee number associated with the set of**

database records does not match the **employee number of the user**,” as further recited in claim 1 (emphases added). As discussed above, Bangel et al. checks whether an individual may access a database based on whether that user has permission, but does not provide authorization if a user is attempting to access records that do not pertain to the user.

In view of the above, the Office Action has not properly determined the scope and content of the prior art nor properly ascertained the differences between the prior art and the claimed invention. Accordingly, the Office Action has failed to clearly articulate a reason why the claim would have been obvious to one of ordinary skill in view of the prior art. Therefore, a *prima facie* case of obviousness has not been established for independent claim 1 and the rejection under 35 U.S.C. § 103(a) should be withdrawn.

Independent claims 12, 25, 35, 41, 44, and 45 although of a different scope from claim 1 and each other, include similar recitations as claim 1. Accordingly, a *prima facie* case of obviousness has not been established for claims 12 and 25 for at least the reasons discussed above in connection with claim 1. Claims 5-8, 10, 11, 16-22, 29, 36-40, 42, and 43 depend from independent claims 1, 12, 25, 35, and 41. Accordingly, a *prima facie* case of obviousness has not been established for claims 5-8, 10, 11, 16-22, 29, 36-40, 42, and 43 at least due to their dependence. Therefore, the Examiner should also withdraw the rejection of claims 5-8, 10-12, 16-22, 25, 29, and 35-45 under 35 U.S.C. § 103(a).

Applicants further note that the Office Action included independent claim 35 in the rejection of independent claims 1, 12, and 25. However, Applicants note that

independent claim 35 also includes additional recitations of a different scope than those claims. For example, independent claim 35 recites “determining whether the user is authorized to acquire a new lock for the set of database records based on the **employee number of the user and** at least one of (a) write authorization and (b) a lack of conflict of interest” (emphases added). Accordingly, the Office Action has not properly ascertained the differences between the prior art and the claimed invention, as required, and the rejection of the claim is improper for at least this additional reason.

Independent claims 41, 44, and 45 were rejected for “the same rationale as the claims rejected above.” Office Action at page 8. However, independent claims 41, 44, and 45 include additional recitations that differ from the other independent claims. For example, independent claim 41 recites, in part, “determining whether the user is authorized to acquire a new lock for the set of database records based on the employee number of the user and, when the employee number associated with the set of database records matches the identifier of the user, whether the set of database records comprise critical or non-critical information.” Independent claim 44 recites, in part, “determining whether the user is authorized to acquire a new lock on the set of database records, the user being authorized if the user does not have a conflict of interest with respect to the set of database records, wherein the user does not have a conflict of interest when the employee number associated with the set of database records does not match the employee number associated with the user.” Independent claim 45 recites, in part, “determining whether a user that submitted the new query is authorized to acquire a new lock on the set of database records, wherein the user is authorized if the user does not have a conflict of interest when the set of database

records do not personally pertain to the user.” The Office Action has not pointed to any teaching or suggestion in the references regarding these claim elements. Accordingly, the Office Action has not properly determined the scope and content of the prior art nor properly ascertained the differences between the prior art and the claimed invention and the rejection should be withdrawn for at least this additional reason.

CONCLUSION

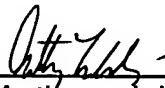
In view of the foregoing, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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